

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America
v.

Michael LIBURDI

Case: 2:23-mj-30476
Assigned To : Unassigned
Assign. Date : 12/1/2023
CMP: SEALED MATTER (MAW)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 11, 2023 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. 922(g)(1)

Felon in possession of a firearm

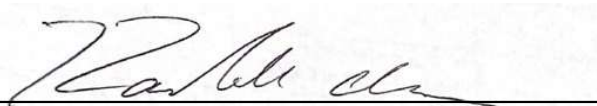
This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

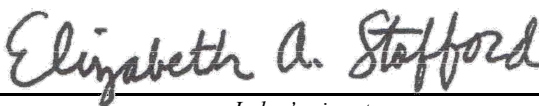
Date: December 1, 2023

City and state: Detroit, Michigan


Complainant's signature

Special Agent Randall Olsen - ATF

Printed name and title


Judge's signature

Honorable Elizabeth Stafford U.S. Magistrate Judge
Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Randall Olsen, being first duly sworn, hereby state:

Summary

ATF is investigating Michael LIBURDI (W/M; DOB: XX/XX/1984) for violating 18 U.S.C. § 922(g)(1) (being a felon in possession of a firearm). Law enforcement discovered multiple firearms at LIBURDI's residence. A forensic laboratory analysis of swabs of two of those firearms found "very strong support" for the proposition that LIBURDI's DNA was on those two firearms. Law enforcement discovered one of the firearms in a toolbox in the residence's basement, close to LIBURDI's Michigan identification card.

Introduction and Agent Background

1. I have been employed as a special agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives since May 2022. I am currently assigned to Detroit Group VII, investigating various federal firearms violations. Before joining ATF, I was a police officer with the Detroit Police Department for over seven years, and with the Grosse

Pointe Park Department of Public Safety for over one year. During my time as a Detroit officer, I served with the Special Operations Unit as well as the Special Response Team.

2. I am a graduate of the ATF Special Agent Basic Training program and of the Detroit Police Department's Police Academy. I have also earned a bachelor's of science degree in criminal justice with a concentration in supervision and management. During my employment with ATF, Detroit, and Grosse Pointe Park, I have participated in numerous criminal investigations focused on firearms, armed drug-trafficking violations, and criminal street gangs. I have also investigated violations of 18 U.S.C. § 922(g)(1) (being a felon in possession of a firearm).

3. I make this affidavit from personal knowledge based on my participation in this investigation, including interviews conducted by myself and/or other law enforcement agents, communications with others who have personal knowledge of the events and circumstances described herein, review of reports by myself and/or other law enforcement agents, and information gained through my training and experience. The information outlined below is provided for the limited

purpose of establishing probable cause and does not contain all details or all facts of which I am aware relating to this investigation.

Probable Cause

4. On June 11, 2022, an explosion at LIBURDI's previous residence in Warren, Mich., caused significant damage, rendering it unfit as a residence. The explosion appeared to be connected with LIBURDI's attempted production of marijuana oil via butane extraction. The explosion and subsequent investigation revealed that LIBURDI possessed several firearms in violation of the state prohibition on being a felon in possession of a firearm.

5. The investigation culminated in LIBURDI's conviction and probationary sentence for five counts of being a felon in possession. He remains on probation to this day. Prior to the explosion, LIBURDI had a 2007 felony conviction for uttering and publishing in Michigan.

6. Federal law prohibits felons like LIBURDI from possessing firearms.

7. LIBURDI has registered an address in Harper Woods as his residence with Michigan probation officials. LIBURDI lives there with

his mother and sister. Harper Woods is in the Eastern District of Michigan, Southern Division.

8. On July 11, 2023, the Michigan Department of Corrections performed a compliance check at LIBURDI's residence to ensure he was adhering to his conditions of probation, which include a prohibition on possessing firearms.

9. LIBURDI was present at the home during the compliance check and admitted to law enforcement that he knew he was a felon and ineligible to possess firearms.

10. During the compliance check, LIBURDI's mother said that LIBURDI had brought personal items from his previous residence when he moved to her residence. She also said she does not possess any firearms and any firearms located in the basement would probably belong to LIBURDI.

11. While inspecting the basement, officers located a red toolbox in a room containing some men's clothing and an envelope with the words "Michael's Title & Ins[.]" Inside the toolbox were two firearms and LIBURDI's Michigan driver's license.

12. Additionally, in the garage, an ATF special agent and certified explosive specialist observed fuel and suspected explosive materials sitting in cardboard boxes and on shelves. The suspected explosive materials were not stored in ATF-approved containers, which violates federal regulations.

13. I obtained a federal search warrant for LIBURDI's residence on July 11, 2023, and law enforcement executed it on July 11, 2023. Law enforcement commenced a search of the house that was more thorough than the initial compliance check. During their execution of the search warrant, agents located and seized the following firearms:

a. Privately Made Firearm (PMF), Caliber 9mm, Type: Pistol, located in the toolbox in the basement.

b. Polymer lower (commonly referred to as PMF) with a Glock 43 Slide, located in the toolbox in the basement.

c. Mossberg Maverick Model 88, Caliber: 12-gauge, Type: Shotgun, located in the garage.

d. Romarm/Cugir Romak 991, Caliber: 7.62x39, Type: Rifle, located in a hardcase under the bed in the basement bedroom.

e. Norinco SKS, Caliber: 7.62x39, Type: Rifle, located in a hard case under the bed in the basement bedroom.

f. Remington Model 597, Caliber: .22, Type: Rifle, located in the garage.

g. Nine separate items of suspected explosive precursors, located in the garage.

h. Numerous assorted rounds of ammunition.

14. During the execution of the federal search warrant, LIBURDI's mother said he mainly sleeps on the couch in the living room and does not have many items. She continued to state that she does not own any guns or ammunition and the only gun in the house that she can think of was an old gun in a box labeled "Dad's things," but she believed the gun was no longer there. His mother further said the only toolbox she owned was empty inside the garage.

15. LIBURDI's sister said that LIBURDI has occupied the basement since around September 2022 and that he also has a toolbox in the basement but was unable to describe it. The sister also said she does not own any guns or ammunition, she is not sure who owns guns inside of the house, but she does remember seeing a long gun case from

LIBURDI's old house that she has also seen at the current residence. The sister added that LIBURDI keeps some of his possessions inside the garage.

16. On October 13, 2023, this Court issued a federal search warrant to obtain a sample of LIBURDI's DNA for purposes of determining whether LIBURDI'S DNA was on any of the firearms law enforcement seized from his residence. I executed the warrant and submitted the swab containing LIBURDI's DNA and swabs from the firearms to DNA Labs International, a forensic science laboratory in Deerfield Beach, Fla.

17. On November 30, 2023, I received the results of lab analysis of the firearm swabs.

18. The certificate of analysis states in summary for the polymer lower with the Glock 43 Slide: "The DNA profile obtained from this item is approximately 16 quadrillion times more probable if the sample originated from Michael Liburdi and one unknown person than if it originated from two unknown persons. This analysis provides very strong support for the proposition that Michael Liburdi is a contributor to the DNA profile obtained from the sample."

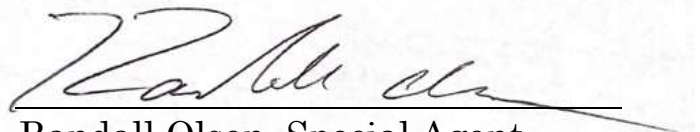
19. The certificate of analysis continues with the Norinco SKS: “The DNA profile obtained from this item is approximately 390 billion times more probable if the sample originated from Michael Liburdi and two unknown persons than if it originated from three unknown persons. This analysis provides very strong support for the proposition that Michael Liburdi is a contributor to the DNA profile obtained from the sample.”

20. On November 14, 2023, an ATF interstate nexus expert examined the Mossberg Maverick, Romarm/Cugir Romak 991, Norinco SKS, and Remington 597. The agent determined that these firearms’ places of manufacture were outside the state of Michigan, and therefore the firearms have travelled in and affected interstate commerce.

Conclusion

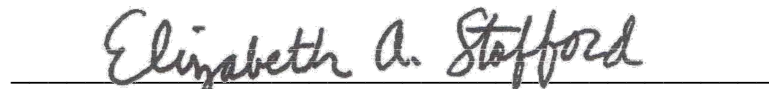
21. There is probable cause to believe Michael LIBURDI, a convicted felon who knew he was a felon, knowingly and intentionally possessed firearms in and affecting interstate commerce, in violation of 18 U.S.C. § 922(g)(1).

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Randall Olsen", written over a horizontal line.

Randall Olsen, Special Agent
Bureau of Alcohol, Tobacco,
Firearms and Explosives

Sworn to before me and signed in my presence
and/or by reliable electronic means.

A handwritten signature in dark ink, appearing to read "Elizabeth A. Stafford", written over a horizontal line.

Hon. Elizabeth Stafford
United States Magistrate Judge

Dated: December 1, 2023